No Objection To Declassification in Full 2011/04/28 : LOC-HAK-65-3-18-7

1691

THE WHITE HOUSE

WASHINGTON

March 24, 1975

MEMORANDUM FOR: JERRY JONES

FROM: BRENT SCOWCROFT

SUBJECT: Reserve Call-up Authority

The Defense proposal on Reserve Call-up Authority is sound from military and budgetary standpoints. We recommend that it be cleared for submission to the 94th Congress.

OSD REVIEWED 22-Mar-2011: NO OBJECTION TO DECLASSIFICATION

DOS REVIEWED 21 MAR 2011 NO OBJECTION TO DECLASSIFICATION

Dispatched

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MEMORANDUM

NATIONAL SECURITY COUNCIL

MEMORANDUM FOR: BRENT SCOWCROFT

FROM: JAN M. LODAL

SUBJECT: Reserve Call-up Authority

Jerry Jones has asked for your comments and recommendations on a matter raised by OMB regarding reserve call-up authority (Tab D).

Background

Early last November, OMB asked the President to clear a DOD legislative proposal for authority to call up certain military reservists involuntarily. In my memo to you on the subject (Tab C), I said that the proposal was sound from military and budgetary standpoints, but that there could be some adverse reactions in Congress because of questions concerning the military intruding upon civilian lives in other than national emergencies. Your subsequent memo to Jerry Jones (Tab B) reflected these points.

On November 18, Jerry Jones told OMB that the President had approved clearance of the DOD proposal. However, DOD did not submit the proposal to the 93rd Congress until mid-December. The Congress adjourned shortly thereafter, and, as a result, took no action on the legislative package.

Because the 93rd Congress did not act on the proposal, DOD now wants to submit it to the 94th Congress. OMB wants to know if there are any objections to re-clearing the package.

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Comments

The proposal is still worthwhile from military and budgetary standpoints, and I recommend that you reaffirm these points to Jerry Jones.

With respect to possible Congressional reaction, I believe it is not necessary for the NSC to comment on this matter. Over the past couple of months Defense has been lining up important support in key Congressional committees and in veterans, reserve, and guard associations; this should help matters in the Congressional process. In any event, the President's decision in November to forward the proposal to the 93rd Congress would seem to resolve any question in the Administration in this regard.

Recommendation

That you sign the memo to Jerry Jones at Tab A which indicates you believe the DOD proposal is still sound and should be cleared.

Clint Granger and Les Janka concur.

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THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: JERRY JONES

FROM: BRENT SCOWCROFT

SUBJECT: Reserve Call-up Authority

The Defense proposal on Reserve Call-up Authority is sound from military and budgetary standpoints. We recommend that it be cleared for submission to the 94th Congress.

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THE WHITE HOUSE

WASHINGTON

November 9, 1974

MEMORANDUM FOR: KEN COLE

FROM: BRENT SCOWCROFT

SUBJECT: Defense Proposal on Reserve Call-Up Authority

From military and budgetary standpoints, the Defense proposal on Reserve Call-Up Authority is sound. It would increase our ability to respond to crises, while not requiring additional day-to-day expenditures for the active forces.

There are, however, potential negative reactions both in Congress and from the public, the implications of which also should be weighed in your overall evaluation.

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MEMORANDUM

NATIONAL SECURITY COUNCIL

ACTION
November 8, 1974

MEMORANDUM TO: BRENT SCOWCROFT

FROM: JAN M. LODAL

SUBJECT: Reserve Call-up Authority

Ken Cole has requested your comments and recommendations concerning a Defense proposal forwarded to the President by OMB (Tab B). OMB supports the Defense proposal.

The Situation in Brief

The Proposal

Defense wants to send to Congress a legislative proposal authorizing the President to call into active service at any one time without their consent up to 50,000 members of the Selected Reserve for periods not to exceed 90 days.

Pros

OMB states that the arguments in favor of the proposal are as follows:

-- Because active forces are being reduced and greater reliance is being placed on the reserves, it is necessary to be able to call up reserves promptly to meet limited crises.

-- In limited situations, declaring a national emergency to achieve call-up authority may not be credible, or may generate too strong a signal to adversaries.

-- The Selected Reserve members are given pay and other benefits in recognition of their liability to active service.

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-- Relying on volunteers in a crisis in an uncertain approach.

-- The proposal was urged by Senator Nunn and Senator Thurmond, and is not objected to by major reserve organizations.

Cons

OMB says the arguments against the proposal are as follows:

-- It will be controversial in Congress and with individual reservists.

-- The active forces (more than 2,000,000 men) should be used for limited crises.

-- Most reservists believe their civilian lives should not be interrupted except in major emergencies.

-- DOD has met crises over the past five years without calling up reserves.

-- The legislation would encourage DOD to rely on this method rather than considering other alternatives.

COMMENTS

From strictly military and budgetary standpoints, the proposal makes good sense. It would increase our ability to respond to crises while at the same time help keep a lid on day-to-day costs of the active forces. It meshes well with the entire idea of placing greater reliance on the reserves, and it seems to fit the President's thrusts to maintain a strong defense posture and control government budgets simultaneously.

However, there are some disquieting aspects. It seems likely that the proposal will create a stir in Congress. There are subtle but important questions concerning the military intruding upon civilian lives in other than national emergencies without the Executive first meeting a checks-and-balance test of obtaining Congressional approval. Presumably, questions such as these were on Mel Laird's mind when he, as Secretary of Defense, decided not to seek renewal of analogous legislation -- the Russell Amendment -- which had provided authority

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from 1966 to 1969 to call up reservists for periods up to 24 months. However, these matters, as well as the timing of submitting the proposal to Congress, are basically political questions which are best answered by those in the political arena.

Considering all the relevant factors, I recommend that you indicate the proposal is sound from military and budgetary standpoints, but that you simply note the possibility of Congressional and public implications.

RECOMMENDATION

That you sign the memo to Cole at Tab A.

Dick Kennedy and Les Janka concur.

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THE WHITE HOUSE
WASHINGTON

Date 3/18/75

TO: BRENT SCOWCROFT
JACK MARSH

FROM: JERRY H. JONES

Could we have your comments and recommendations on the attached by cob, Thursday, March 20.

Thank you.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAR 1 3 1975

MEMORANDUM FOR: JERRY H. JONES

SUBJECT: Reserve Call-up Authority

Last November, we sent a memorandum to the President, copy attached, recommending clearance of a Department of Defense legislative proposal for authority to call up certain military reservists involuntarily.

Your memorandum of November 18, 1974, copy attached, advised that the President had reviewed and approved clearance of the Defense proposal.

Defense has requested clearance to resubmit an identical proposal to the 94th Congress. Are there any objections to re-clearing the Department's proposal at this time?

James F. C. Hyde, Jr.
Acting Assistant Director
for Legislative Reference

Enclosures

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MEMORANDUM FOR THE PRESIDENT

FROM: ROY L. ASH /S/

SUBJECT: Reserve Call-up Authority

This memorandum briefly summarizes the attached memorandum concerning a defense legislative proposal for authority to call up certain military reservists involuntarily.

ISSUE

Should the Defense Department be given clearance to send to Congress a proposal authorizing the President, if he determines it necessary to augment the active forces for operational missions, to call into active service at any one time without their consent up to 50,000 members of the Selected Reserve (either in units or as individuals) for periods not to exceed 90 days.

BACKGROUND

Existing law permits the President to call to active service without their consent up to 1,000,000 Ready Reservists but he must first declare a national emergency. While technically such a state of national emergency now exists, as a practical matter, another national emergency would probably have to be declared to activate this authority, as the existing state of emergency rests on two declarations based on very narrow grounds -- the 1970 postal strike and the 1971 balance of payments crisis.

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In the past, special call-up authority has been enacted to meet particular situations such as the 1961 Berlin crisis. Also, the so-called Russell Amendment provided authority from 1966 to 1969 to call up reservists for periods not to exceed 24 months -- used by President Johnson for limited call-ups in connection with the "Pueblo" crisis and the Tet offensive. There is continuing authority to call up reservists involuntarily for training purposes for periods not to exceed 15 days.

ARGUMENTS IN FAVOR OF PROPOSAL

At a time when active forces have been reduced for budgetary reasons, and further reductions may be in the offing, the proposal is needed to assure military leaders, who are being asked to rely on the reserves as part of a total-force concept, that such reserves will be available to meet limited crises promptly. It is not credible that the million-man authority can or will be invoked in these limited situations, and, in fact, to do so might send too strong a signal to potential adversaries. Reservists covered by this proposal are given pay and other benefits in recognition of their liability to active service, and, while volunteers have provided essential augmentation in past limited crises (air crews in the 1973 Middle East war) their availability is always uncertain (the voluntary air crews for the Middle East would have been inadequate if the conflict had lasted much longer). Defense states that the proposal was urged by several Senators (Nunn, Thurmond) and is not objected to in principle by the major reserve organizations such as the National Guard and Reserve Officers Association.

ARGUMENTS AGAINST THE PROPOSAL

In the absence of a particular crisis, this essentially unrestricted call-up authority will be controversial in Congress and with individual reservists -- limited call-ups have been controversial in the past even where identifiable crisis situations have existed. The active forces, numbering more than 2,000,000 men, should be used to meet limited situations, and most reservists believe their civilian lives

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and careers should be interrupted only to meet major or all-out emergencies. Before he was able to meet the situations that have arisen in the past 5 years when there has been no involuntary call-up authority, and the availability of the proposed new authority would encourage the Department to rely upon, and use it repeatedly without full consideration of alternatives including greater use of voluntary incentives.

RECOMMENDATION:

We support clearance of the Defense proposal. While Defense accepted Bill Watson's recommendation that submission of the proposal to Congress be deferred until after the elections, the Department does not agree with his further recommendation that submission be deferred until the next Congress -- Defense favors submission at the end of the current recess. We defer to Bill's judgment.

Attachment

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MEMORANDUM FOR THE PRESIDENT

FROM: ROY L. ASH

SUBJECT: Reserve Call-up Authority

ISSUE

Should the Defense Department be given clearance to send to Congress a proposal authorizing the President, if he determines it necessary to augment the active forces for operational missions, to call into active service at any one time without their consent up to 50,000 members of the Selected Reserve (either in units or as individuals) for periods not to exceed 90 days.

BACKGROUND

Existing law permits the President to call to active service without their consent up to 1,000,000 Ready Reservists but he must first declare a national emergency. While technically such a state of national emergency now exists, as a practical matter, another national emergency would probably have to be declared to activate this authority, as the existing state of emergency rests on two declarations based on very narrow grounds -- the 1970 postal strike and the 1971 balance of payments crisis.

The so-called Russell Amendment, enacted in 1966, under which the President could call reservists to active duty involuntarily for periods up to 24 months without the declaration of a national emergency was allowed to expire in 1969.

Reserve mobilization experience in the last 15 years has consisted of limited call-ups pursuant to special, temporary legislation by President Kennedy in 1961 and 1962 in connection with the Berlin and Cuban missile crises. Additionally, President Johnson used the authority under the Russell

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Amendment to call up involuntarily a very limited number of reservists following the Tet offensive during the Vietnam War and for call-ups in 1969 in connection with the "Pueblo" crisis -- a number of "Pueblo" call-ups unsuccessfully sought escape from their active duty obligation in the courts.

For domestic purposes, a national emergency was declared in 1970, and a limited number (about 15,000) of reservists were called to active duty involuntarily under the million-man authority to deal with the postal strike.

There is also existing authority to call up reservists involuntarily for not to exceed 15 days. This authority, which requires the consent of the Governor when National Guard units are involved, has never been used. Defense has agreed that this authority is adequate for training and humanitarian missions (and the present proposal has been amended to delete coverage of such missions) but not for operational missions -- it may be noted that the Mansell Amendment was enacted for operational missions even though this 15-day authority was on the books.

Secretary Schlesinger is said to be personally behind the new 50,000-man/90-day proposal.

ARGUMENTS IN FAVOR OF PROPOSAL

1. Budgetary considerations are forcing a reduction in the active forces, thereby creating a need for greater reliance on the reserves. Military leaders are willing to accept reservists as a viable alternative to active forces only if they can be assured that reservists will be available when needed. While the million-man authority provides such assurances in large-scale emergencies, no similar assurance is available for limited emergencies, and it is not credible that the broader authority would be invoked in limited situations. The present proposal would provide the necessary assurance.

2. While comparable authority was not been available since 1969, much larger active forces were available during that period than can be anticipated in the future. The delay incident to obtaining special legislation for limited, emergency call-up authority in particular situations can inhibit if not preclude an effective response to an emergency.

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3. As compared to those in other reserve categories, members of the Selected Reserve covered by the present proposal receive pay, benefits, and training on the theory that they are in a greater state of readiness and will be the first to be called up. This group is, then, the logical one to draw upon to provide a truly ready and available supplement to the active forces. Earmarking of certain categories of the Selected Reserve as the ones most needed and the only ones subject to call-up under the proposal is not feasible since the particular categories of reservists that may be needed in differing future limited emergencies cannot be foreseen.

4. Volunteer reservists have helped meet the need in recent limited emergencies such as the airlift resupply of Israeli forces last fall. However, reliance on volunteers requires patchwork arrangements and is adequate only for brief periods. For example, Defense staff state that if the Middle East War had continued much longer last fall they would not have been able to carry out the airlift mission with volunteers augmenting active force crews.

5. Use of the broad million-man authority in a limited international emergency, even if feasible politically (or seeking special legislation under such circumstances), could be hampered by the fear that it would send too strong an international signal in a particular case. Conversely, use of the limited authority in the present proposal could have a by-product effect of sending an appropriate signal. Reserve call-ups for domestic purposes, of course, do not have international implications.

6. Judicious use of the authority under the present proposal would be assured by the fact that it is vested in the President and by the fact, acknowledged by Defense, that its injudicious use could wreck the reserves -- repeated call-ups would clearly lead many to drop out.

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7. Senators Nunn, Thurmond, and others have urged Defense to seek authority along the lines of the present proposal. Defense asserts that it has checked the proposal with the Reserve Officers Association and the National Guard Association and they offer no objection to it.

8. Since the Defense proposal is specifically designed to avoid use of a national emergency declaration, it should not create any significant problems with respect to the efforts of Senators Church and Mathias to obtain enactment of legislation terminating the existing national emergencies and establishing guidelines with respect to future presidential declarations of such emergencies.

ARGUMENTS AGAINST THE PROPOSAL

1. The essentially unconstrained authority to call up the 50,000 reservists involuntarily will unquestionably be controversial both with members of Congress and reservists notwithstanding the known favorable views of certain Senators and the checks Defense has made with reserve organizations. Such congressional support as there is for involuntary call-up authority seems primarily focused on strategic airlift crews.

2. If limited call-ups in the past for purposes like the Berlin Crisis, Vietnam, and "Pueblo" have proved controversial, it would certainly appear that call-ups for purposes like those contemplated under the present proposal will be even more controversial. The very considerations which make this proposal necessary -- unwillingness of many reservists to volunteer for active service that will interrupt their civilian jobs and lives -- guarantee that the proposal and any call-ups under it will be highly controversial. Moreover, for reservists now on board, the proposal represents a basic change in the rules in the absence of any immediate compelling circumstances for such a change.

3. Defense has not explored whether some system of additional incentives could be developed to assure greater availability of reservists on a voluntary basis.

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4. Given the fact that limited emergencies seem to occur regularly and the fact that reliance on this authority will be built into military contingency plans, Defense will be encouraged to rely on the use of this authority in a growing number of instances, particularly if active forces continue to be reduced. This tendency will reduce the incentive to meet emergencies by relying primarily upon the 2.1 million strength of the active forces and the use of volunteer reservists.

5. Defense has been able to meet limited emergencies that have arisen during the past 5 years without the need for involuntary reserve call-up authority. As in the case of the Berlin and Cuban missile crises, special call-up legislation could be sought if needed to meet particular and known circumstances.

6. The Defense proposal could attract attention to the million-man authority and might lead to the imposition of new restrictions on its use.

RECOMMENDATION

We recommend clearance of the proposal. Since, as the above arguments bring out, a major argument against the proposal involves adverse congressional reaction, we sent this as memorandum in draft to Bill Bundy for his review. He advised very strongly against sending the proposal to Congress before the elections and preferred delaying it until the next Congress convenes. Defense accepted the delay until after the election but wishes to go forward to Congress when it returns from the recess. We defer to Bill's judgment in this matter.

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THE WHITE HOUSE

WASHINGTON

November 18, 1974

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: ROY L. ASH

FROM: JERRY H. JONES

SUBJECT: Reserve Call-up Authority

Your memorandum to the President of November 5 on the above subject has been reviewed and approval was given for clearance of the Defense proposal.

Please follow-up with the appropriate action.

Thank you.

cc: Don Rumsfeld

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